

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT
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TO: PNC BANK, GARNISHEE

The Judgment Creditor in the above case has filed an Affidavit, satisfactory to the undersigned, in this Court stating that you may have money, property, or credits, other than personal earnings, in your hands or under your control that belong to the Judgment Debtor. **You are therefore ordered to complete the "ANSWER OF GARNISHEE" in Section (B) of this form.**

Return one completed and signed copy of this form to the Clerk of this Court together with the amount determined in accordance with the "ANSWER OF GARNISHEE" by the following date on which a hearing is tentatively scheduled relative to this Order of Garnishment 12/11/15 at 11:30 a.m. Deliver one completed and signed copy of this form to the Judgment Debtor prior to that date. Keep the other completed and signed copy of this form for your files.

The total probable amount now due on this judgment is \$274,848.15.

(The total probable amount due includes the unpaid portion of the judgment in favor of the Judgment Creditor, which is **\$274,848.15**; plus prejudgment interest at the rate of 3.32% and interest at the statutory post-judgment rate of .22% pursuant to 28 U.S.C. § 1961.

You also are ordered to hold safely anything of value that belongs to the Judgment Debtor and that has to be paid to the Court, as determined under the "ANSWER OF GARNISHEE" in Section (B) of this form, but that is of such a nature that it cannot be so delivered, until further order of the Court. Witness my hand and the seal of this Court, this 13th day of November, 2015.

/s/Donald C. Nugent, US District Judge
JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO, EASTERN DIVISION

**AFFIDAVIT; ORDER AND NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN
PERSONAL EARNINGS AND ANSWER OF GARNISHEE (O.R.C. 2716.11, .12, .13)**

NATURES WAY MARINE, LLC
5993 Rangeline Road
Theodore, AL 36590

Judgment Creditor

-vs.-

EVERCLEAR OF OHIO, LTD.
3700 Oakwood Avenue
Austintown, Ohio 44515

and

NIRK MAGNANTE HOLDING CORP.
201 S. Biscayne Blvd., 28th Floor
Miami, FL 3313

Judgment Debtors

CIVIL ACTION NO. 4:15 MC 61

JUDGE DONALD C. NUGENT

(The debt collector is attempting to collect a debt and any
information obtained will be used for that purpose.)

AFFIDAVIT

STATE OF OHIO, COUNTY OF MAHONING, SS.:

The undersigned, Affiant, being first duly cautioned and sworn, affirmed according to law, say that I am the Attorney for Judgment Creditor herein, and that on the 7th day of October, 2015, I filed a Clerk's Certification of Judgment to be Registered in Another District issued by the United States District Court for the Southern District of Alabama, along with a certified copy of the Amended Final Judgment with this Court against said Judgment Debtors, Everclear of Ohio, Ltd. and Nirk Magnate Holding Corp. Affiant has a reasonable basis to believe that the Garnishee named:


Whose Address is: **PNC BANK**
4949 Mahoning Avenue
Austintown, Ohio 44515

may have in the Garnishee's hands or control money, property, or credits, other than personal earnings, of the Judgment Debtor that is not exempt under the law of this state or the United States. Said property is described as follows: cash / money

ATTORNEY FOR JUDGMENT CREDITOR

Timothy M. Reardon (0059631)
Kevin L. Bradford (0080225)
Nadler Nadler & Burdman Co., L.P.A.
6550 Seville Dr., Suite B
Canfield, OH 44406
Tel: 330.533-6195 / Fax: 330.533-6198
E-mail: tmreardon@nnblaw.com / klbradford@nnblaw.com

AFFIANT:


Kevin L. Bradford, Esq.

Sworn to and subscribed before me this 13th day of October, 2015,


NOTARY PUBLIC



Trina L. Pape, Notary Public
State of Ohio
My Commission Expires April 8, 2017

SECTION B. ANSWER OF GARNISHEE

Now comes **PNC BANK**, the GARNISHEE, who says:

1. That the Garnishee **has more than \$425** in money, property, or credits, other than personal earnings, of the Judgment Debtor under the Garnishee's control and in the Garnishee's possession.
☐ **NO** ☐ **YES** IF YES, AMOUNT OVER \$425: \$ _____
2. That property is described as: _____
3. If the answer to line 1 is "yes" and the amount is less than the probable amount now due on the judgment, as indicated in Section (A) of this form, sign and return this form and pay the amount of line 1 to Clerk, U.S. District Court, 801 W. Superior Avenue, #100, Cleveland, Ohio 44113.
4. If the answer to line 1 is "yes" and the amount is greater than that probable amount now due on the judgment, as indicated in Section (A) of this form, sign and return this form and pay that probable amount now due to Clerk, U.S. District Court, 801 W. Superior Avenue, #100, Cleveland, Ohio 44113.
5. If the answer to line 1 is "yes" but the money, property, or credits are of such a nature that they cannot be delivered to the Clerk of Court, indicate that by placing an "X" in this Box: ☐
Do not dispose of that money, property, or credits or give them to anyone else until further order of the Court.
6. If the answer to line 1 is "no," sign and return this form to the Clerk of Courts, U.S. District Court, 801 W. Superior Avenue, #100, Cleveland, Ohio 44113.

I certify that the statements above are true.

(Print Name of Garnishee)

(Print Name and Title of Person Who Completed Form)

SIGNED _____

(Signature of Person Completing Form)

Date

Phone

Copy delivered to Judgment Debtor this _____ day of _____, 2015.

SECTION A SHALL BE FILLED IN BEFORE SERVICE. SECTION B SHALL BE FILLED IN BY THE GARNISHEE, AND THE ORIGINAL FILED WITH THE COURT AS GARNISHEE'S ANSWER. THE GARNISHEE MAY KEEP ONE COMPLETED COPY AND SHALL DELIVER THE OTHER COMPLETED TO THE JUDGMENT DEBTOR.

THE FOLLOWING FOR COURT USE ONLY

I CERTIFY THIS TO BE A TRUE COPY OF THE ORIGINAL WITH ALL ENDORSEMENTS THEREON.

RECEIVED THIS WRIT ON THE _____ DAY OF _____, 2015.

ON THE _____ DAY OF _____, 2015, I SERVED THREE (3) COPIES OF THIS ORDER OF GARNISHMENT AND NOTICE THAT THE GARNISHEE ANSWER (ORC § 2716.21 AND 2716.12) AND \$1.00 FEE ON THE WITHIN NAMED GARNISHEE, **PNC BANK**, BY MAILING A TRUE COPY OF THIS ORDER OF GARNISHMENT

☐

BY CERTIFIED MAIL

☐

BY REGULAR MAIL

BY LEAVING A TRUE COPY OF THE ORDER OF GARNISHMENT

☐

AT USUAL PLACE OF RESIDENCE

☐

AT COMPANY OR CORPORATION

☐

WITH GARNISHEE PERSONALLY

☐

GARNISHEE NOT FOUND

TITLE

BY: _____
SIGNATURE OF PERSON SERVING ORDER